

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
V.)	CRIM. NO. 04-10274-PBS
)	
TONY DIAZ)	
_____)	

DEFENDANT'S MOTION TO HAVE
APPELLATE COUNSEL APPOINTED
AND TRIAL COUNSEL WITHDRAW

The defendant, Tony Diaz, hereby moves that this Court allow his trial counsel, Attorney Andrew M. D'Angelo, to withdraw. Additionally, the defendant moves that this Court appoint him appellate counsel. In support of this motion, the defendant states that trial counsel was appointed. The defendant believes that it is in his best interests to have another attorney pursue his appeal.

WHEREFORE, the defendant's motion should be allowed.

Tony Diaz
By His Attorney

/s/Andrew D'Angelo

Andrew M. D'Angelo
B.B.O. # 564200
CARNEY & BASSIL
20 Park Plaza, Ste. 1405
Boston, MA 02116
617-338-5566

Date: May 31, 2006

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AFFIDAVIT OF COUNSEL

I, Andrew M. D'Angelo, hereby state that the following
information is true to the best of my knowledge and belief:

1. I was appointed to represent the defendant by
this Court.
2. After his sentencing hearing on May 30, 2006, I
had discussions with the defendant regarding his appeal.
3. Both the defendant and I agree that it is in his
best interests that another attorney pursue his appeal as
the defendant believes that a claim for ineffective
assistance of counsel may be necessary.

Signed under the pains and penalties of perjury.

/s/Andrew M. D'Angelo

Andrew M. D'Angelo

Date: May 31, 2006